

TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

REGULAR SESSION AGENDA - AUGUST 11, 2003 7:30 p.m. – Roll Call

Motion to accept minutes of June 23, 2003 meeting as written.

PRELIMINARY MEETINGS:

1. **ARMANDO & JEAN PALIOTTA (#03-35)** Request for:
22 ft. 6 in. Rear Yard Setback for existing attached pool deck
11 ft. Side Yard Setback for existing shed
All at 9 Guernsey Drive in a **CL zone (78-11-9.1)**
2. **KENNETH & MAUREEN SMITH (#03-37)** Request for 11 ft. Rear Yard Setback for proposed deck at 9 Cresthaven Drive in an **R-4 zone (39-2-21)**
3. **MURPHY, BILL (#03-38)** Request for 23 ft. Rear Yard Setback for proposed deck and request for 8 ft. Side Yard Setback for existing shed at 434 Philo Street in an **R-4 zone (73-7-20)**
4. **TRAN NGUYEN (#03-39)** Request for 12 ft. Rear Yard Setback for proposed deck at 2419 Settlers Ridge (The Reserve) in an **R-3 zone (77-11-5)**
5. **HIGHVIEW ESTATES OF O.C. (#03-40)** Request for use variance to permit single family dwelling at Rt. 207 & Kings Road in an **OLI zone (32-1-23.2)**
6. **JOSEPH & JO-ANNE DeCELESTINO (#03-41)** Request for:
28 ft. Rear Yard Setback for existing pool deck and;
9.5 ft. Side Yard Setback for existing shed
All at 14 Cheddar Lane on a Corner Lot in a **CL zone (78-3-11)**

PUBLIC HEARINGS:

7. **JOSEPH & DONNA HALL (#03-33)** Request for 10.5 foot Front Yard Setback for proposed front porch with roof at 16 Hickory Avenue in an **R-4 zone (18-3-23)**
8. **JAMES & GERALDINE LEE (#03-34)** Request for:
Existing 6 ft. fence located between the house and street on which it fronts;
7 ft. rear yard setback for existing shed and;
10 ft. rear and side yard setback for existing pool
All at 12 Lawrence Avenue in an **R-4 zone (13-3-6.1)**
9. **ALLEN & STACY KELLER (#03-36)** Request for 20 ft. Rear Yard Setback for proposed pool deck at 21 Hilltop Drive in an **R-4 zone (19-3-5)**

FORMAL DECISIONS:

Makan Land Dev.	03-09
Joseph DeLeonardo	03-13
Michael Dowd	03-19

William Dalious	03-18
Richard Dickerman	03-15

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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

AUGUST 11, 2003

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
MICHAEL REIS
STEPHEN RIVERA

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MYRA MASON
ZONING BOARD SECRETARY

ABSENT: LEN MCDONALD

REGULAR MEETING

MR. KANE: I'd like to call the August 11, 2003 Zoning Board of Appeals meeting to order.

APPROVAL OF MINUTES DATED JUNE 23, 2003

MR. KANE: Motion to accept the minutes of June 23.

MR. REIS: So moved.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE

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MR. KANE

AYE

PRELIMINARY MEETINGS:

ARMANDO & JEAN PALIOTTA (#03-35)

Mr. and Mrs. Armando Paliotta appeared before the board for this proposal.

MR. KANE: Request for 22 ft. 6 in. rear yard setback for existing attached pool deck, 9 ft. side yard setback for existing shed all at 9 Guernsey Drive in a CL zone. Just tell us what you want to do and speak loud enough so Fran can hear you.

MR. PALIOTTA: I want to get the existing deck that we have there now approved. And I've been in contact with your office and they gave me guidelines and I have carpenters ready to make it all right. The shed we had to move and Mr. Lissi came and measured and told me to apply for a variance which we're here now doing.

MR. KANE: Do you need a 22 foot six inch rear yard setback for the existing pool deck? How long has the deck been up?

MR. PALIOTTA: Ten years.

MR. KANE: Are you adding to that deck?

MR. PALIOTTA: No.

MR. KANE: In this diagram would that be the new deck right there we're talking about added to the old deck?

MR. PALIOTTA: Right, the old deck and this is, this isn't attached to the house, we were told if it was freestanding we made a mistake, it's not attached to the house, we learned the hard way.

MR. KANE: Similar to other decks in Butterhill?

MR. PALIOTTA: Okay.

MR. KANE: Mike, we had a question on the 9 foot side yard setback?

MR. BABCOCK: Yeah, I have a note here, move shed, the shed's been moved to the corner of the property?

MR. PALIOTTA: Yes, I was, first I was told to go for a variance where it was and then he explained about a state variance which is 6 feet so I moved it 6 feet to the side of the house, a little over 6 feet, 6 feet 4 inches.

MR. BABCOCK: How far is it from the property line?

MR. PALIOTTA: A foot.

MR. BABCOCK: It's one foot.

MR. KANE: Cause we're showing ten, ten right here that was our confusion so you're one foot from the back and the side?

MR. PALIOTTA: One foot from the side.

MR. BABCOCK: The rear is fine.

MR. PALIOTTA: The reason for that, like I said, he said go with what you got, cause I was getting rid of the shed and he said no, go for the variance, I said okay, that's great and then in the interim, he called back and said there's a state variance that you have to go for but he couldn't guarantee me how long it would take, so I moved it.

MR. BABCOCK: So it's now 6 foot from the--

MR. PALIOTTA: It's over 6 foot, I know he took the exact measurements a couple weeks or one week ago.

MR. BABCOCK: So the requirements are 12, you're providing 6, so you need 6?

MS. MASON: What's that, Mike?

MR. KANE: On the existing shed for the side yard setback so instead of 9--

MR. BABCOCK: The requirements are 12, Frank's got down ten. In every part of the Town the requirement for a shed is ten feet. In Butterhill, the requirement is 12 foot. There was a special condition when Butterhill was built that they had 12 foot side yards. Every other place in ten is, ten foot, so it's a common mistake, so we can just make that correction, he's 6 foot off the property line so that he doesn't have to worry about the State Code.

MR. KANE: With your permission, we'll change that.

MR. PALIOTTA: Yes, but, sorry, but you said 6 foot off the property line, that's wrong, right, it's a foot off the property line.

MS. MASON: So he's asking for 11 feet.

MR. KANE: You move the shed, we're all right on the back. How many feet off of the side are you?

MR. PALIOTTA: I moved it one foot from my neighbor's fence and over 6 feet from the, there's a piece that comes out the chimney and it's just in line with that, I should of moved it another inch.

MR. REIS: Is this the current location of it?

MR. PALIOTTA: No, it's back here now, this is where he wanted me to do it with the variance and that would be over ten feet from the neighbor and he explained that cause it has to be 6 feet from the house you might as well move it a foot from the property line and leave it 6 foot from the house.

MR. REIS: He's looking for 11 foot side yard.

MR. KANE: With your permission, we'll change the application to read 11 foot side variance.

MR. PALIOTTA: Okay.

MR. KANE: The size of the existing shed is similar to other sheds in the neighborhood?

MR. PALIOTTA: Yes, it's exactly 8 x 12.

MR. KANE: And any creation of water hazards, runoffs?

MR. PALIOTTA: No.

MR. KANE: With either the deck or the shed?

MR. PALIOTTA: No.

MR. KANE: Any complaints formally or informally with the shed or the deck?

MR. PALIOTTA: No and that's why I had sent pictures to even show that the whole property's covered with trees, they can't see the pool and the deck and now they can see the shed from one side from Guernsey Drive.

MR. KANE: Just so everybody in the audience understands, too, in New Windsor, we do the preliminary hearings so you get an idea of what we need to hear from you and what will be required from you in the public hearing. All decisions must be made by a public hearing. Some towns have you walk in, boom, that's it, and if you don't have the right information, you lose. So we do that with a preliminary up here so you'll be repeating the same thing going through the same type of questions during the public hearing. Okay?

MR. PALIOTTA: Okay.

MR. KANE: About ten years on the deck, about ten years old and the shed has been existing for how long, approximately?

MR. PALIOTTA: About 6 years.

MR. KANE: And is there any way to move the shed since it's been relocated over there so that you wouldn't need a variance, a side yard variance?

MR. PALIOTTA: Okay, I have a corner lot and I'm restricted because the side of my property which is like a football field is also considered like a front lawn, so with the pool and the deck and the add on, I'm selling the house, I have buyers, they love it, it's perfect, if I put the shed the only legal place the whole back yard is gone.

MR. KANE: Fair enough. Those are the types of questions you'll be asked. Gentlemen?

MR. REIS: Yes, is that the reason for you coming in because you're selling the property?

MR. PALIOTTA: Oh, no, no, I really found out about all these restrictions and we were thinking about selling and we were going to go through it and then she decided to live in New Windsor, go to Forest Glen which was pretty recent decision so definitely we wanted to jump on it much sooner, I didn't think I'd be moving this fast going into a bigger house.

MR. RIVERA: No questions.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: I move that we set up Armando and Jean Paliotta for a public hearing for their requested variances, rear yard setback of 22.6 and side yard setback of 11 foot.

MR. RIVERA: Second it.

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ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE

KENNEDY & MAUREEN SMITH (#03-37)

MR. KANE: Request for 10 ft. rear yard setback for proposed deck at 9 Cresthaven Drive in an R-4 zone.

Mr. Kenneth Smith appeared before the board for this proposal.

MR. SMITH: Okay, well, I do have to make a modification to that, I only have 29 feet so I'm really requesting an 11 foot variance. Basically what I have is just three steps, a platform going to the rear of my house. What I have currently is three steps and a small platform going to the rear of my house, unfortunately, everything I add on the back requires a variance, so I just want to put a small deck on and still have 29 foot clearance to my neighbor's property line.

MR. REIS: How large is your anticipated deck?

MR. SMITH: Eight feet from the house and it will be 12 feet wide.

MR. KANE: That would be similar to other decks in your neighborhood existing?

MR. KRIEGER: Similar.

MR. SMITH: It's kind of in proportion to the house, it's a 1,200 square foot ranch, I don't know if there's any other decks.

MR. KANE: You don't consider it oversized for your neighborhood?

MR. SMITH: No.

MR. KANE: Won't be creating any water hazards or runoffs with the building of the deck?

MR. SMITH: No.

MR. KANE: Cutting down of any trees?

MR. SMITH: No.

MR. KANE: Or any substantial vegetation?

MR. SMITH: No, just in the back of the house.

MR. KANE: Without the deck or the steps there coming out the back door would obviously be a safety hazard?

MR. SMITH: Repeat that.

MR. KRIEGER: If there was nothing there and you went out of the back of the house, you'd fall?

MR. SMITH: Oh, yes, yes, I need the steps down from the house.

MR. BABCOCK: Just for the record, no matter what size deck he built, he would need a variance.

MR. KANE: For anything for them?

MR. BABCOCK: Yes.

MR. KANE: Gentlemen?

MR. RIVERA: Accept a motion?

MR. KANE: Yes, I will.

MR. RIVERA: I move we set up Mr. Kenneth and Maureen Smith for their requested ten foot rear yard setback for proposed--

MR. KANE: It's 11 foot, we made that change.

MR. RIVERA: Okay, 11 foot rear yard setback for the proposed deck at 9 Cresthaven Drive.

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MR. REIS: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE

MURPHY, BILL (#03-38)

MR. KANE: Request for 23 ft. rear yard setback for proposed deck and request for 8 ft. side yard setback for existing shed at 434 Philo Street in an R-4 zone.

Mr. Bill Murphy appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MR. MURPHY: We'd like to put an 18 x 21 deck on the back of the house, the house currently is a slab right at grade level.

MR. KANE: It's a 23 foot rear yard setback that's going to leave you 17 feet in the back yard?

MR. MURPHY: Yes.

MR. KANE: Do you have an existing deck there now?

MR. MURPHY: No.

MR. KANE: Do you consider the size of the deck to be overly big?

MR. MURPHY: No.

MR. KANE: For the neighborhood?

MR. MURPHY: No, actually, it's pretty comparable to the others.

MR. KANE: Cause the 23 foot rear yard setback is leaving 17 is actually kind of large as far as a requested variance. What do you think, Mike?

MR. RIVERA: Is it consistent with other decks in the area?

MR. MURPHY: Fairly consistent, yeah.

MR. RIVERA: By doing this, are you going to create any kind of a, do you have a barrier between your borders between your neighbors?

MR. MURPHY: There's a fence all the way around from the front of the house all the way around the back.

MR. RIVERA: That kind of blocks the view?

MR. MURPHY: That and the hedges do.

MR. KANE: And the people behind you, lot 33 or 32, how far do, how far is their house from the property line?

MR. MURPHY: They're about the same distance, most of the lots in the area are 100 x 100 and the houses are centered on the properties.

MR. KANE: Going to be creating water hazards or runoffs with the building of the deck?

MR. MURPHY: No.

MR. KANE: Looks like it's sloped towards the house, correct?

MR. MURPHY: Yes.

MR. KANE: Cutting down any trees or substantial vegetation?

MR. MURPHY: No.

MR. KANE: Any easements through your back yard, water, sewer?

MR. MURPHY: No.

MR. KANE: Gentlemen?

MR. RIVERA: Have you had any problems or comments from

your neighbors, good, bad or indifferent regarding the placement of the existing shed?

MR. MURPHY: No. In fact, they helped the previous owner put it in. I'm just looking to get a C.O. on the shed because it's already there and it wasn't there prior to.

MR. REIS: Mike, per the size of these lots, this is a less than a quarter of an acre, I don't see a problem with it. Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: I make a motion that we set up Mr. Bill Murphy for his requested variances at 434 Philo Street for a public hearing.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE

TRAN NGUYEN (#03-39)

MR. KANE: Request for 12 ft. rear yard setback for proposed deck at 2419 Settlers Ridge (The Reserve) in an R-3 zone.

Mr. Tran Nguyen appeared before the board for this proposal.

MR. KANE: You have to speak up so that the stenographer can hear you.

MR. NGUYEN: I want 16 feet long by 30.

MR. KANE: You're proposing to put in, you need a 12 foot rear yard setback?

MR. RIVERA: 16 x 30 deck?

MR. NGUYEN: Yes, sir.

MR. KANE: That will take the place of these existing stairs that are on here that are kind of steep?

MR. NGUYEN: Yes.

MR. KANE: And the size of the deck is similar to decks in your neighborhood?

MR. NGUYEN: My neighborhood, nobody have.

MR. KANE: Nobody has any decks yet?

MR. NGUYEN: No.

MR. KANE: Do you consider it a normal size deck that you're putting up?

MR. NGUYEN: Yes.

MR. KANE: Will you be cutting down any trees or substantial vegetation?

MR. NGUYEN: No, sir.

MR. KANE: Creating any water hazards on runoffs?

MR. NGUYEN: No, sir.

MR. KANE: Any easements in your back yard?

MR. NGUYEN: No.

MR. KANE: Obviously without a deck there, actually the steps themselves look kind of dangerous, without a deck there, it would, you would consider it a safety hazard?

MR. NGUYEN: Yes.

MR. KANE: Any questions?

MR. RIVERA: No, I'm good. Make a motion?

MR. KANE: I'll accept a motion.

MR. RIVERA: That we set up Mr. Tran Nguyen for his requested 12 foot rear yard setback for proposed deck at 1219 Settlers Ridge.

MR. REIS: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE

HIGHVIEW ESTATES OF O.C. (#03-40)

Mr. Robert Biagini appeared before the board for this proposal.

MR. KANE: Request for use variance to permit single family dwelling at Route 207 & Kings Road in an OLI zone.

MR. BIAGINI: I want to construct a 48 x 30 single family dwelling on this lot that's located on the corner of Route 207 and Station Road, the lot that runs between 207 and King's Hill Road.

MR. REIS: Use variance.

MR. KANE: Do you currently own the property?

MR. BIAGINI: Yes.

MR. KANE: Do you understand what you have to go through to get a use variance?

MR. BIAGINI: No.

MR. KANE: Extremely difficult. Basically, there's five criteria mandated by the state, couple of them are going to be probably fairly difficult to prove. You, first of all, you have to prove that the property is not sellable for a reasonable return for an existing use which means that you can't sell that property, reasonable return doesn't mean make a profit necessarily. The other thing is that you have to demonstrate that by financial competent financial advice such as realtors that kind of thing. The other is that the, you're not going to alter the essential character of the neighborhood and it's not self-created which would be kind of tough, I think in this situation.

MR. BIAGINI: There's the house next door, there's going to be a housing development which is the Fox Farm

on this side of the road over here that's going to be there.

MR. BABCOCK: Mr. Chairman, if you look at this lot actually an easement that goes through the middle of it that used to be the road and the Town straightened out the road and the road comes straight out to Route 207 which is Station Road. The problem with the property is there's a piece on one side of the road and a piece on the other side of the road, that's where the problem is. And if you look at the front area, both sections are wetlands, see it says Wetlands 1, Wetlands 2, do you have that? That's why we've suggested we drew this on here so this is the wetland, this is a wetland so this piece of property is virtually useless, so this is OLI which is 200 feet back so this entire piece is OLI, follows Kings Road.

MR. KANE: Still you'll have to prepare yourself to address those. We'll give you a sheet and you have to address those questions. And again, you'll need to bring in competent financial advisors. I suggest you get some advice on this in how to attack it. Okay? Mike, any questions?

MR. REIS: Yeah, how long have you owned the property?

MR. BIAGINI: Six months.

MR. KANE: Will you be creating any water hazards or runoffs with the building of the house?

MR. BIAGINI: Not at all.

MR. KANE: You can see that the easement is behind you but you won't be going through any easements?

MR. BIAGINI: No.

MR. KANE: Cutting down any trees or--

MR. BIAGINI: Hardly any trees on the lot and none of

them are in our way.

MR. KANE: House itself, are you going to need any other variances for this house?

MR. BIAGINI: Not at all.

MR. KANE: Steve, any questions?

MR. RIVERA: No.

MR. REIS: Mike, according to the map here is the septic encroaching on the wetlands?

MR. BABCOCK: I'm sure not, the wetlands is in the front.

MR. REIS: Thank you.

MR. KANE: Mike, even if he's got sewer is he going to have to address anything with the wetlands back there on the property for building of the house?

MR. BABCOCK: No. Actually, that's one of the reasons he wants to put a house there, it's not much else he can do, I mean, that's his argument, not much else he can do with the property cause of the wetlands. The Town, they've talked to the Town to purchase that piece of property, that stretch that goes through the middle and the Town went back and made them an offer saying that they want \$50,000 for that strip that goes through there, so I assume he's saying that still doesn't do anything for him based on the layout of where the strip is doesn't add enough to the property to the wetlands to add this for \$50,000 to this lot, doesn't do anything for the lot.

MR. KANE: Right, I can see that. Okay. Gentlemen?

MR. REIS: Accept a motion?

MR. KANE: Yes.

MR. REIS: Make a motion that we set up Highview Estates for a public hearing on the requested use variance of the Kings Road property.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE

JOSEPH & JO-ANNE DECELESTINO (#03-41)

MR. KANE: Request for 28 ft. rear yard setback for existing pool deck and 7.5 ft. side yard setback for existing shed all at 14 Cheddar Lane on a corner lot in a CL zone.

Ms. Jo-Anne DeCelestino appeared before the board for this proposal.

MR. KANE: Tell us what you want to do.

MS. DECELESTINO: I'm requesting a variance for an existing shed and deck. My situation is very similar to the first couple that was here in that I live in Butterhill Estates and I have a corner lot which is a very long ballfield. If you take a look at the survey that I provided, you'll see that we nestled the shed in the least offensive area that we could figure out how to put it, and the deck, we kind of went halfway around the pool with and I have pictures up there if you want to take a peak.

MR. KANE: How old is the shed?

MS. DECELESTINO: Shed is about 11 years old.

MR. KANE: And the deck itself?

MS. DECELESTINO: A little older, about 13 years old.

MR. KANE: Any complaints formally or informally about either?

MS. DECELESTINO: No, none at all.

MR. REIS: What brings you to the ZBA?

MS. DECELESTINO: Because we're going to put our home on the market, it's on the market now and if we sell it, I know I need it.

MR. REIS: Very good, thank you.

MR. KANE: The deck and the shed are both similar in size in the situation as other decks and sheds in the neighborhood?

MS. DECELESTINO: Yes.

MR. KANE: You didn't create any water hazards or runoffs with the building of either?

MS. DECELESTINO: No.

MR. KANE: No easements?

MS. DECELESTINO: No.

MR. BABCOCK: Mr. Chairman, also the side yard requirements for the shed, the paperwork went in as ten foot, it should go in as 12 foot and that would increase the variance to 9.5.

MR. KANE: You have to talk to Frank.

MR. BABCOCK: I will.

MR. KANE: Do you understand what we just said?

MS. DECELESTINO: Well, I was listening when you did the first couple and I thought you were going to say the same thing again.

MR. KANE: Butterhill is different than the rest of the town, I live there too and I've been here, yeah, we're 12 foot.

MS. DECELESTINO: It's a real sticky place to get things done.

MR. KANE: So what we did is we changed your side yard request from 7.5 to 9.5 to make up the difference and that's okay with you?

MS. DECELESTINO: Whatever you need is fine with us.

MR. KANE: Any questions?

MR. REIS: No questions. Accept a motion?

MR. KANE: Sure.

MR. REIS: I make a motion that we set up Joseph and Jo-Anne DeCelestino for a public hearing on their requested variances at 14 Cheddar Lane.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE

PUBLIC HEARINGS:

JOSEPH & DONNA HALL (#03-33)

MR. KANE: Request for 10.5 foot front yard setback for proposed front porch with roof at 16 Hickory Avenue in an R-4 zone.

Mr. Joseph Hall appeared before the board for this proposal.

MR. KANE: Is there anybody here tonight that wishes to speak on this? No one in the audience. Okay, Joseph, tell us what you to do.

MR. HALL: Well, we want to put a full front porch on the house with a roof over top of it. You've already given us a permit for the deck portion of it and they said that we had to get a variance to put the roof over top, so I guess 86 letters were sent out to surrounding neighbors and they set up a public hearing for tonight, based on those on the letters that came back, I had some people call me on the phone, ask me what's this letter for, but that was it, they just said I got this letter in the mail, what is it about.

MR. REIS: Joe, is it necessary for you to cut down any vegetation, trees or shrubs?

MR. HALL: No, there's nothing in the front yard at all.

MR. KANE: No creation of water hazards or runoffs?

MR. HALL: No.

MR. KANE: Any easements?

MR. HALL: No.

MR. KANE: And you believe the front deck and the, let's see what we got here, you believe the front porch

is going to be similar to others in the neighborhood?

MR. HALL: Yeah.

MR. KANE: Not going to change the characteristics of the neighborhood?

MR. HALL: No, actually, no, actually, there's a house right down the road that has a similar porch on the front of it.

MR. KANE: Will it cause the house to project closer to the road than any other homes in your neighborhood?

MR. HALL: No. Actually, the deck that's on there right now is like six inches shorter than the existing stairs that were there and walkway. So the roof is going to come out maybe eight inches passed where the deck is, so probably be right in line with where the existing walkway and deck were cause we're having the stairs come out to the side and dump right onto the driveway.

MR. KANE: So in all of that if you looked down your street, it's not going to project any closer to the road than any other homes?

MR. HALL: No, actually, there's a little dormer that comes out 4 feet right now from the house.

MR. REIS: What's the overall dimensions of the porch?

MR. HALL: The porch comes out 6 foot, it will come out 6 foot from the house and the length of the house which I think is 32 feet full length of the house doesn't extend on the sides, it stops right where the house ends.

MR. KANE: And the stairway down is going to go straight down to the driveway?

MR. HALL: Right to here, yeah, the existing driveway

so we have no walkway or anything we don't have to put in.

MR. KANE: At this point, I'll open and close the public session of the meeting, seeing as no one is here and would you speak on the mailings?

MS. MASON: On the 24th of July, 86 envelopes containing the notice of public hearing were mailed out, no responses.

MR. KANE: Gentlemen, what's your pleasure?

MR. REIS: I'm good. Steve, any questions?

MR. RIVERA: None. Accept a motion?

MR. KANE: Yes, I'll accept a motion.

MR. RIVERA: That we grant Joseph and Donna Hall the requested 10.5 foot front yard setback for proposed porch at 16 Hickory Avenue.

MR. REIS: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE

JAMES & GERALDINE LEE (#03-34)

Mr. James Lee appeared before the board for this proposal.

MR. KANE: Request for existing 6 ft. fence located between the house and street on which it fronts, 7 ft. rear yard setback for existing shed and 10 ft. rear and side yard setback for existing pool all at 12 Lawrence Avenue in an R-4 zone.

MR. LEE: I didn't receive one letter back because I guess the guy doesn't live in the area anymore and I sent out 88 letters and I didn't get any response at all. As you know, I illegally built the shed about ten years ago and I put it in my back yard and I put it three foot away from my fence because I only got an 18 foot back yard and I couldn't get ten foot and then again I built the 6 foot fence along my side yard for a little privacy because I've got a welding shop in back of me and I've got just, I use the right side of my yard a lot because it's the biggest part of my yard and my other part of my yard is only ten foot with a hedge. And when the house was built, they had a variance to get that too and thanks to you guys, I got an existing pool that you helped me get and I, you know, I'd just like to know if I can keep it, that's all.

MR. KANE: How long has the pool been up, sir?

MR. LEE: About seven years, sir.

MR. KANE: And the fence?

MR. LEE: The fence there was an old rickety fence but the fence has been up about four months.

MR. KANE: Any complaints formally or informally about any of the three, the shed, the pool or the fence?

MR. LEE: No, sir, never.

MR. KANE: The 6 foot fence, does it block any view of traffic from the street?

MR. LEE: No, sir, you can see it in pictures.

MR. KANE: Any creation of water hazards or runoffs?

MR. LEE: No, sir.

MR. KANE: Cut down any trees or substantial vegetation?

MR. LEE: No, sir.

MR. KRIEGER: What type of fence is it?

MR. LEE: It's a 6 foot picket stockade type fence.

MR. KRIEGER: Where is the good side, toward you?

MR. LEE: Good side's toward me, sir, but I was told I could put it up either way.

MR. KANE: But no complaints?

MR. LEE: No, sir, none whatsoever.

MR. REIS: If this was a 4 foot fence, you wouldn't need a variance?

MR. BABCOCK: Right, 4 foot is acceptable.

MR. KRIEGER: What's on the other side of the fence, a welding shop?

MR. LEE: Well, no, in the northwest corner is a welding shop but I've got a neighbor on the other side, I use this side of my yard a lot because it's got more space than the other side and I just wanted a little privacy.

MR. KANE: You have a kind of a narrow lot.

MR. LEE: Yeah, I've got, when the house was built in '68, they had to get a variance from the Town cause the lot is 50 by 100 and I got a ten foot variance on this side, it wasn't my house, it was my brother-in-law's house I bought and just the way to set the house.

MR. KANE: What size pool do you have?

MR. LEE: Eighteen foot.

MR. KANE: So you have an 18 foot pool and you have a 50 foot wide lot, gives you about 32 foot, not much room to put it anywhere.

MR. LEE: No.

MR. KANE: At this point, I'll ask anybody in the audience for this particular hearing? I don't see anybody so we'll open and close the public portion of the hearing. Our mailings?

MS. MASON: On the 24th of July, 88 addressed envelopes containing the notice of public hearing were mailed out, no responses.

MR. KANE: That a lot of mailings. Gentlemen, anymore questions?

MR. KRIEGER: Yeah, the water, the vegetation and the easements, did you do that?

MR. KANE: Yes.

MR. REIS: Accept a motion?

MR. KANE: Yes, I will.

MR. REIS: I make a motion that we grant James and Geraldine Lee their requested variances for 12 Lawrence Avenue.

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MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE

ALLEN & STACY KELLER (#03-36)

MR. KANE: Request for 20 ft. rear yard setback for proposed pool deck at 21 Hilltop Drive in an R-4 zone.

Mr. and Mrs. Allen Keller appeared before the board for this proposal.

MR. KANE: Tell us again what you want to do.

MR. KELLER: We want to put a deck on the back of the house which will attach to the pool deck which has now been built on a separate permit and we need a 20 foot variance.

MR. KANE: You won't be creating any water hazards or runoffs with the pool?

MR. KELLER: No.

MR. KANE: Cutting down any trees or substantial vegetation?

MR. KELLER: No.

MR. KANE: Going across any easements?

MR. KELLER: No.

MR. KRIEGER: You have municipal water and sewer here?

MR. KELLER: Yes.

MR. KANE: Size of the deck that you're putting up is similar to other decks in your neighborhood?

MR. KELLER: Yes.

MR. KANE: Do you have steps coming down from the deck to the yard?

MR. KELLER: There will be, the stairs are going to

come down and attach to the lower deck.

MR. KANE: And you'll have self-closing, self-latching gates?

MR. KELLER: Yes.

MR. KRIEGER: Deck is adjacent to the house though right, it's attached to the house?

MR. KELLER: Right, attached to the house.

MR. KRIEGER: Is there an exit from the house onto the deck?

MR. KELLER: Yes, sliding glass doors which will have the alarm.

MR. KRIEGER: Without the deck, the person would fall a substantial distance?

MR. KELLER: Foot and a half.

MR. KRIEGER: Enough to likely sustain injury?

MR. KELLER: Enough to sustain injury.

MR. KANE: At this point, I'll open and close the public hearing.

MS. MASON: On the 29th of July, 71 addressed envelopes containing the notice of public hearing was mailed out, no responses.

MR. KANE: We'll bring it back to the board. Mike?

MR. REIS: Accept a motion?

MR. KANE: Steve, no questions?

MR. RIVERA: None at all.

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MR. KANE: Yes, I will.

MR. REIS: I make a motion that we grant Allen and Stacy Keller their requested variance at 21 Hilltop Drive.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE

FORMAL DECISIONS

1. MAKAN LAND DEVELOPMENT
2. JOSEPH DELEONARDO
3. MICHAEL DOWD
4. WILLIAM DALIOUS
5. RICHARD DICKERMAN

MR. REIS: Motion that we accept the formal decisions as given in block.

MR. RIVERA: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE

MR. RIVERA: Make a motion to adjourn.

MR. REIS: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. REIS	AYE
MR. KANE	AYE

Respectfully Submitted By:


Frances Roth
Stenographer

8/13/03